

111TH CONGRESS  
2D SESSION

# H. R. 4731

To amend title XIX of the Social Security Act to ensure access to resin-based dental fillings that, at a minimum, is equal to the level of access to mercury-based dental fillings under such title.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2010

Ms. WATSON introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to ensure access to resin-based dental fillings that, at a minimum, is equal to the level of access to mercury-based dental fillings under such title.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Options for  
5 Dental Fillings Act of 2010”.

1 **SEC. 2. CHANGES TO MEDICAID TO ENSURE EQUAL ACCESS**  
 2 **TO RESIN-BASED DENTAL FILLINGS.**

3 (a) CHANGES TO MEDICAID COST-SHARING RULES  
 4 FOR DENTAL FILLINGS.—

5 (1) IN GENERAL.—Section 1916 of the Social  
 6 Security Act (42 U.S.C. 1396o) is amended by add-  
 7 ing at the end the following new subsection:

8 “(k) DENTAL FILLINGS.—With respect to an indi-  
 9 vidual, the amount of cost-sharing charged under this sec-  
 10 tion or under section 1916A for a resin-based dental fill-  
 11 ing—

12 “(1) shall not exceed the amount charged in the  
 13 State for a mercury-based dental filling on January  
 14 1, 2010; and

15 “(2) in the case that the State charges an  
 16 amount for a mercury-based dental filling and such  
 17 amount is less than the amount under paragraph  
 18 (1), shall not exceed the amount that the State  
 19 charges for a mercury-based dental filling.”.

20 (2) CONFORMING CHANGE.—Section  
 21 1916A(a)(1) of such Act (42 U.S.C. 1396o–1(a)(1))  
 22 is amended—

23 (A) by striking “Notwithstanding sections  
 24 1916 and 1902(a)(10)(B)” and inserting “Not-  
 25 withstanding section 1902(a)(10)(B) and sub-  
 26 sections (a) through (j) of section 1916”; and

1 (B) by inserting “and section 1916(k)”  
2 after “paragraph (2)”.

3 (b) CHANGES IN MEDICAID REIMBURSEMENT RATES  
4 FOR RESIN-BASED DENTAL FILLINGS.—Section 1903 of  
5 the Social Security Act (42 U.S.C. 1396b) is amended by  
6 adding at the end the following new subsection:

7 “(aa) In order to receive payments under subsection  
8 (a) for dental fillings, a State must reimburse providers  
9 for resin-based dental fillings at a rate that is the greater  
10 of—

11 “(1) a rate set by the State; or

12 “(2) a rate for such fillings that is proportional,  
13 relative to the cost of such fillings, to the greater  
14 of—

15 “(A) the rate at which the State reim-  
16 burses providers for mercury-based dental fill-  
17 ings, relative to the cost of such fillings; or

18 “(B) the rate at which the State reim-  
19 bursed providers for mercury-based dental fill-  
20 ings, relative to the cost of such fillings, on  
21 January 1, 2010.”.

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall be effective for dental fillings provided  
24 on or after the date that is 60 days after the date of the  
25 enactment of this section.

1       (d) EXCEPTION FOR STATE LEGISLATION.—In the  
2 case of a State plan under title XIX or State child health  
3 plan under XXI of the Social Security Act, which the Sec-  
4 retary of Health and Human Services determines requires  
5 State legislation in order for the respective plan to meet  
6 one or more additional requirements imposed by amend-  
7 ments made by this section, the respective plan shall not  
8 be regarded as failing to comply with the requirements of  
9 such title solely on the basis of its failure to meet such  
10 an additional requirement before the first day of the first  
11 calendar quarter beginning after the close of the first reg-  
12 ular session of the State legislature that begins after the  
13 date of enactment of this section. For purposes of the pre-  
14 vious sentence, in the case of a State that has a 2-year  
15 legislative session, each year of the session shall be consid-  
16 ered to be a separate regular session of the State legisla-  
17 ture.

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